

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:11-CV-00019**

**DUNKIN’ DONUTS FRANCHISED)
RESTAURANTS, LLC, et al.**)

Plaintiffs,)

v.)

NAMAN ENTERPRISES, INC., et al.)

Defendants.)

PRELIMINARY INJUNCTION ORDER

THIS DAY came Plaintiffs, Dunkin’ Donuts Franchised Restaurants, LLC; Baskin-Robbins Franchised Shops, LLC; DD IP Holder, LLC; and BR IP Holder, LLC (together, “Plaintiffs”), by counsel, upon their Motion for Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure against Defendants, Naman Enterprises, Inc. (“Naman”); Rachana, Inc. (“Rachana”); Manoj Rawal; Bindu Rawal; and Vinayak Dave (together, “Defendants”). It appearing to the Court from the pleadings filed in this matter, including the Declaration of Gary L. Zullig and the exhibits thereto, that this Court has jurisdiction over the subject matter of this action and the parties hereto, that Plaintiffs are entitled to the relief requested in the Motion, and that Defendants consent thereto, it is hereby

ORDERED that:

1. No later than July 31, 2011, Defendants shall cease to operate the Dunkin’ Donuts and Baskin-Robbins franchised businesses at 7001 Matthews Mint Hill Road, Mint Hill, NC 28227 (the “Mint Hill Store”) and at 9005 East Independence Boulevard, Matthews, NC 28105

(the “Matthews Store”) and Defendants shall not, directly or indirectly, thereafter represent to the public or hold themselves out as a franchisee or authorized operator of Plaintiffs at either location;

2. No later than July 31, 2011, Defendants shall cease all commercial use of the Dunkin’ Donuts and Baskin-Robbins trademarks, service marks and trade dress, either alone or in combination with other words, names, or symbols, on or in connection with the sale, offer for sale, advertising, or rendering of food services or any other related services at the Mint Hill Store and the Matthews Store;

3. Promptly after cessation of their Dunkin’ Donuts/Baskin-Robbins businesses at the Matthews Store in compliance with paragraphs 1 and 2 above, Defendants shall remove all signage, markings, or advertising bearing the Dunkin’ Donuts and Baskin-Robbins trademarks, service marks and/or trade dress, or any name or mark that is substantially or confusingly similar to that owned or registered by Plaintiffs – including all signage, markings, and advertising containing the name “Dunkin’ Donuts” and “Baskin-Robbins” – from the Matthews Store;

4. Promptly after cessation of their Dunkin’ Donuts/Baskin-Robbins businesses in compliance with paragraphs 1 and 2 above, Defendants shall immediately return to Plaintiffs all operating manuals, plans, specifications, and other materials in their possession containing information prepared by Plaintiffs and relative to operation of the Mint Hill Store and/or the Matthews Store, and all copies thereof;

5. Promptly after cessation of their Dunkin’ Donuts/Baskin-Robbins businesses in compliance with paragraphs 1 and 2 above, Defendants shall disconnect, assign, or transfer all

phone numbers with “Dunkin’ Donuts” and/or “Baskin-Robbins” directory listings for the Mint Hill and Matthews Stores to Plaintiffs immediately.

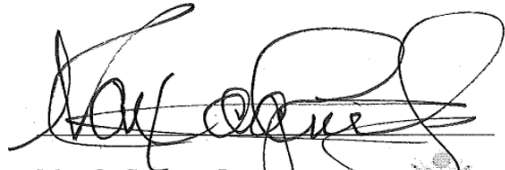
This Preliminary Injunction Order shall remain in effect pending further order of this Court.

The Clerk of the Court is directed to provide a copy of this Order to all counsel of record.

* * *

This Order resolves plaintiff’s Motion for Preliminary Injunction (#18) and the hearing on such motion calendared for May 26, 2011, is cancelled.

Signed: May 25, 2011



Max O. Cogburn Jr.
United States District Judge

We ask for this:

/s/ Sandy T. Tucker
Sandy T. Tucker (NC State Bar No. 20735)
stucker@williamsmullen.com
WILLIAMS MULLEN
200 S. 10th St.
P.O. Box 1320 (23218)
Richmond, VA 23219
Tel.: (804) 420-6418
Fax: (804) 420-6507
Counsel for Plaintiffs

/s/ Mark Raymond Kutny
Mark Raymond Kutny (NC State Bar No. 29306)
mkutny@lawhssm.com
HAMILTON, STEPHENS, STEELE & MARTIN PLLC
201 South College Street, Suite 2020
Charlotte, NC 28244-2020
Tel.: (704) 227-1051
Fax: (704) 344-1483
Co-Counsel for Defendants

/s/ Bryan H. Mintz
Bryan H. Mintz
bryan@paslawfirm.com
PARIS ACKERMAN & SCHMIERER, LLP
101 Eisenhower Parkway
Roseland, NJ 07068
Tel.: (973) 228-6667
Co-Counsel for Defendants

14332656_1.DOC